



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Atlanta District Office
NEI-35 B

60 8th Street, N.E.
Atlanta, Georgia 30309

August 10, 2000

VIA FEDERAL EXPRESS

Gary Bart
President
Austrade, Inc.
2875 South Ocean Blvd.
Palm Beach, FL 33480

WARNING LETTER
00-ATL -57

Dear Mr. Bart:

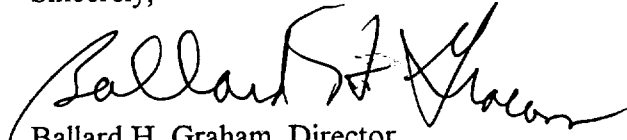
On August 7, 2000, we attempted to sample a shipment of Energy Drinks in accordance with our notice of sampling dated August 1, 2000, and found that the shipment was not available for sampling. This product had been offered for import into the United States by your firm on July 29, 2000 under entry number WEZ-0002090-3. This is a violation of 21 CFR 1.90 which requests the importer to hold an entry intact pending receipt of the results of examination of the sample. We are hereby requesting U.S. Customs to order redelivery of this shipment.

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

Within 15 working days of receipt of this letter, notify this office in writing of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of the violation. In addition, you should inform Customs and FDA if and when redelivery is accomplished.

Your response should be sent to Sheryl R. Cruse, Compliance Officer, at the above address noted in the letterhead.

Sincerely,


Ballard H. Graham, Director
Atlanta District